

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

THE SAGINAW CHIPPEWA INDIAN  
TRIBE OF MICHIGAN,

Plaintiff,

V.

MARK G. PEARCE, Chairman,  
KENT Y. HIROZAWA, PHILIP A.  
MISCIMARRA, HARRY I. JOHNSON III,  
And LAUREN MCFERRAN in their official capacities as  
Members of the Board,, and TERRY  
A. MORGAN in her official capacity as  
Regional Director of Region 7.

Defendants.

Case No. 1:15-cv-12077

Honorable Thomas  
Ludington

**JOINT STIPULATION TO RESCHEDULE HEARING AND ESTABLISH  
BRIEFING SCHEDULE**

This case presents, inter alia, a challenge to the National Labor Relations Board's (NLRB) ability to process a representation petition filed by the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (the Union). That petition, docketed as NLRB Case No. 07-RC-152046, seeks an election to determine whether certain workers employed by the Saginaw Chippewa Indian Tribe of Michigan (the Tribe) at its Soaring Eagle Casino and Resort wish to be represented by the Union for purposes of collective bargaining under the National Labor Relations Act. A hearing on the petition had been scheduled to occur on June 15, 2015.

In this litigation, the Tribe has moved for emergency injunctive relief to enjoin the

Board (at least temporarily) from processing the petition. The parties have since conferred and have agreed that the Regional Director for NLRB Region 7, Terry A. Morgan, will postpone the agency's previously scheduled hearing to Tuesday, July 21, 2015. Regional Director Morgan's Order postponing the hearing is attached hereto as Exhibit A.

Accordingly, Regional Director Morgan's actions have removed the urgency for this Court to act on the Tribe's *Emergency Motion for Temporary Restraining Order* [Dkt. #8] or *Emergency Motion for Preliminary Injunction* [Dkt. #3] in advance of the originally-scheduled hearing date of June 15<sup>th</sup>.

To afford the parties and this Court sufficient time to brief and consider the Tribe's requests for injunctive relief, the parties have agreed and hereby stipulate, subject to this Court's approval, that the NLRB will file a single brief in opposition to the Tribe's motions by the end of the day on June 26, 2015. The Tribe will file its combined reply to the NLRB's opposition by the end of the day on July 7, 2015.

Respectfully submitted,

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| <p>Dated: Washington, D.C.<br/>June 10, 2015</p> | <p><u>s/ Nancy E. Kessler Platt</u><br/>Nancy E. Kessler Platt<br/><i>Deputy Assistant General Counsel for<br/>Contempt, Compliance, and Special Litigation</i><br/>National Labor Relations Board<br/>1099 14<sup>th</sup> Street, NW<br/>Washington, D.C. 20570<br/>Phone: (202) 273-2937<br/>Fax: (202) 273-4244<br/>E-mail: Nancy.Platt@nlrb.gov<br/>D.C. Bar No. 425995</p> <p>Attorney for Defendants</p> |
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| <p>Dated: St. Paul, MN<br/>June 10, 2015</p> | <p><u>s/Jessica Intermill</u><br/>William A. Szotkowski (MN # 161937)<br/>Jessica Intermill (MN # 0346287)<br/>Hogen Adams PLLC<br/>1935 W. County Rd B2, Suite 460<br/>St. Paul, MN 55113<br/>Phone: 651-842-9100<br/>Facsimile: 651-842-9101<br/>E-mail: bsotkowski@hogenadams.com<br/>jintermill@hogenadams.com<br/><br/>Attorneys for Plaintiff</p> |
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